

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District of Texas
FILEDUN **SEALED**

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

JUL 13 2016

Clerk of Court

United States of America
v.

Case No. M-16-1317-M

Cynthia Luna Rodriguez

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 3, 2006 to August 12, 2014 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1344(2)	Bank Fraud
18 U.S.C. § 1341	Mail Fraud
18 U.S.C. § 1005	Bank Entries, Reports and Transactions

This criminal complaint is based on these facts:

Please see attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Ricardo Ale, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/13/2016City and state: McAllen, Texas

Judge's signature

Hon. Dorina Ramos, U.S. Magistrate Judge

Printed name and title

Attachment "A"

On or about August 12, 2014, Cynthia Luna Rodriguez' employment with PlainsCapital Bank (PCB) was terminated following an internal investigation on an unrelated matter. Rodriguez was employed at the PCB branch located at 100 West Cano, Edinburg, Texas, formerly First National Bank (FNB). PCB is an FDIC insured bank, as was FNB.

Following Rodriguez' termination, several suspicious documents were found at Rodriguez' desk. One of which was a PCB customer's 1099 interest earned statement, hereinafter referred to as Victim 1. Victim 1 is a 90 year old female, whose Cash Deposit or Certificate of Deposit (CD) accounts represented her life savings. The 1099 was noticeably altered with whiteout tape and a new address, other than Victim 1's, and new interest earned amounts, other than that originally printed out, were typed over the whiteout tape. Upon conducting an internal investigation, PCB identified several PCB customers whose bank account information, primarily their physical and/or mailing addresses, had been altered. Further, the victims' accounts showed a significant number of suspect withdrawals, which those customers later identified as unauthorized.

The FBI investigation that ensued found a pattern of victim bank account address changes and unauthorized withdrawals. Victim 1 held several PCB CD accounts. Victim 1's account address had been changed from her home address to a private commercial mail box belonging to Rodriguez. On or about June 19, 2015, the FBI executed a search warrant for the contents of that box, which resulted in the seizure of PCB bank statements for Victim 1 and three other identified victim accounts. The rental agreement for the box identified Cynthia Rodriguez, with a business name of Jumpstart Child Care, as the renter for the box. Jumpstart Child Care was identified as a day care business that Rodriguez had owned and operated for several years. Rodriguez sold the business in February 2012.

Victim 2, one of the victims whose correspondence was found at Rodriguez' rented mailbox, is a 58 year old male who owns and operates his own roofing company. Victim 2's bank account address was changed on or about March 13, 2014 to Rodriguez' rented mailbox. The PCB change of address form identified "Cynthia L. Rodriguez" as the PCB employee that submitted the change of address. Neither Victim 2 nor any of the other victims authorized the address changes to their bank accounts.

In a later interview, Rodriguez initially denied responsibility for changing any of the victim addresses, but when confronted with her PCB user identification linked to the address change, Rodriguez admitted to changing Victim 2's address to her rented mailbox.

The investigation revealed a significant amount of unexplained cash being deposited into Rodriguez' Jumpstart Child Care accounts after she sold the business. Though Rodriguez sold Jumpstart Child Care in February of 2012,

Jumpstart Child Care's two bank accounts continued to receive significant cash deposits beyond February of 2012. Rodriguez acknowledged in an interview she controlled both Jumpstart Child Care accounts. The unauthorized withdrawals from the PCB victim accounts can all be attributed to Rodriguez through PCB bank documents.

On or about December 11, 2014, FBI agents interviewed Rodriguez at her home. Rodriguez denied involvement in the theft of funds from the PCB victim accounts. Rodriguez denied any knowledge of the altered 1099 form, stating "I am not familiar with that." The FBI conducted a fingerprint analysis of the altered 1099 forms found at Rodriguez' desk. A fingerprint, which was found partially over the whiteout of the altered 1099 form, was positively matched to Rodriguez. The position of the fingerprint partially over the whiteout indicates Rodriguez handled the document after the 1099 was altered with whiteout.

Rodriguez initially denied responsibility for changing any of the victim addresses, but when confronted with her PCB user identification linked to the address change, Rodriguez admitted to changing Victim 2's address to her rented mailbox.

During the interview, Rodriguez further stated that following the sale of Jumpstart Child Care during or about February of 2012, the only income she received were her PCB payroll, lease payments and proceeds from the sale of Jumpstart Child Care. The payments related to the lease and sale of Jumpstart Child Care were paid via check. Rodriguez acknowledged that following the sale of Jumpstart Child Care, there should be no cash going into the Jumpstart Child Care accounts. A review of Rodriguez' Jumpstart Child Care bank account at Inter National Bank revealed approximately \$244,625 in cash deposits from March of 2012 through July of 2012. Of the \$244,625, more than half can be traced to PCB victim account withdrawals with similar amounts. The PCB victim withdrawal dates corresponded with same date (or shortly thereafter) cash deposits in Rodriguez' Jumpstart Child Care account.

The investigation found a pattern of activity in the victim accounts that indicated Rodriguez targeted victims who had large balances in savings or CD accounts. The victims were either elderly or Mexican Nationals who resided primarily in Mexico; individuals who did not regularly monitor their accounts. In some cases, the victims could not monitor their accounts because the address changes prevented them from receiving their account statements through the mail. The activity further demonstrated that when a victim attempted to close their account(s), Rodriguez would replenish the victim account with funds from new victim(s) accounts to conceal the unauthorized activity. When Rodriguez was terminated, the paperwork found at her desk is consistent with the process of conducting one such transaction. Among the suspicious documents found at Rodriguez' desk were withdrawal and credit slips that would have withdrawn funds from a new victim and deposited the funds into Victim 1's account(s).

Neither victim knew each other or authorized the activity reflected in the transaction slips.

A forensic audit was conducted by an outside accounting firm who calculated the loss to be approximately \$1,300,000 attributed to six PCB victims. Victim 1 lost approximately \$248,762 to Rodriguez' scheme. Each of the victims, or victim representatives, interviewed identified Rodriguez as the PCB Representative they each trusted and primarily conducted their banking business with. The first suspected unauthorized withdrawal occurred on or about January 3, 2006. Rodriguez is believed to have been engaged in the scheme until the day she was terminated, August 12, 2014.